

Montana Secretary of State Linda McCulloch

Election Administrator Handbook



A Guide to Administering Montana Elections

Elections and Government Services – soselections@mt.gov – 406-444-5376

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Introduction

Greetings -

Election administration is one of the most rapidly changing jobs in the world. An election administrator must be a ***technical wizard*** in order to operate different voting and tabulating equipment. An election administrator must be a ***teacher and trainer***; many times a poll worker's only training comes directly from the local election administrator. An election administrator must be ***adverse in quick and efficient problem solving***, making decisions sometimes "on the fly" that determine whether or not an individual's vote can be counted. An election administrator must be ***organized, diplomatic and always fair*** in the administration of elections. Whether administering a small local district election, or a presidential election, an election administrator's ability to provide all of the services above are critical to the success of the election.



What is election administration? It is the mechanics of how an election is run, ranging from preparations for the election, to the methods by which people cast their ballots, to how winners are declared. It ensures that every eligible voter can vote and that every vote will be counted accurately.

This handbook is intended to be used as a tool for orientation to election administration in Montana, as well as a reference for election-related questions.

Welcome to each new election administrator! You are about to begin one of the most critical and rewarding careers – that of a Montana Election Administrator.

Best regards,

A handwritten signature in blue ink that reads "Linda McCulloch". The signature is fluid and cursive, with the first name "Linda" being larger and more prominent than the last name "McCulloch".

Linda McCulloch
Secretary of State

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Chapter 1

Introduction to Election Administration

- ✓ Federal Election Law
- ✓ State Election Law – Title 13 Montana Code Annotated
- ✓ Administrative Rules
- ✓ Deadlines and Calendars
- ✓ Election Judges
- ✓ Election Forms
- ✓ Candidate Filing and Ballot Preparation
- ✓ Electronic Election Reporting and Canvassing
- ✓ Guide to Election Acronyms

Federal Election Law

The Voting Rights Act

The Voting Rights Act is landmark federal legislation passed in 1965. The Act outlawed discriminatory voting practices, and established extensive federal oversight of elections administration. The Act has been renewed and amended by Congress four times. Most recently, it was renewed for a 25 year extension by President George W. Bush in 2006.

The National Voter Registration Act

The National Voter Registration Act is Federal legislation, passed in 1993, and is commonly known as “Motor Voter”. The legislation, among other things, requires states to provide for voter registration when an individual is renewing or applying for a driver’s license or applying for social services.

The initial intent of the NVRA was to encourage greater access to voter registration.

Because of the NVRA, election administrators receive voter registration cards from the State of Montana, Motor Vehicle Division on a weekly, or monthly basis, and receive registration cards from public assistance offices.

- Driver’s License facilities leave the voter registration cards with the county they are providing services to, and that county will distribute cards to the registrants’ counties of registration.
- The Secretary of State provides a monthly list electronically, containing registration information on individuals who have been reported as registering with the MVD.
 - If an election administrator does not have a registration card for an individual on the list, the election administrator should contact either the Secretary of State, or the Motor Vehicle Department to try to resolve the missing card.
- If a county finds a voter (usually on election day) who claims to have registered with the MVD, but the county does not have a record of the registration, the election administrator must contact the state MVD office to verify the individual's registration.

The Help America Vote Act

The Help America Vote Act is a federal law passed in 2002 in reaction to the controversy surrounding the 2000 U.S. presidential election.

HAVA required, among other things, replacement of all punch card or lever-style voting equipment, and established minimum election administration standards.

- HAVA also requires that each polling site be equipped with voting equipment for voters with disabilities.
 - Accessible voting machines, called AutoMARKs were purchased for use by each county.
- Most counties purchased and use HAVA compliant precinct-level vote tabulating systems called Model M100s.
- Each state had to create and maintain a statewide voter database. Montana's is called "Montana Votes", or MT Votes.
 - The Secretary of State has a Help Desk on site to assist counties with this comprehensive election management program.
 - The Secretary of State does training annually on MT Votes programs.
 - A council called METAC – the Montana Election and Technology Advisory Council - made of up of clerks and recorders/election administrators from large and small counties governs enhancements and other changes to MT Votes.
 - The council meets quarterly in Helena to recommend, test and approve changes to MT Votes.

The Uniformed and Overseas Citizens Absentee Voting Act

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) is federal law passed in 1986. Groups of people covered under this act are

- Members of the seven Uniformed Services
- Members of the U.S. Merchant Marine
- Eligible family members of the above
- U.S. citizens residing outside the U.S.

The Military and Overseas Voter Empowerment Act

The Military and Overseas Voter Empowerment (MOVE) Act is federal legislation passed in 2009. The overall purpose of the MOVE Act is to help military personnel serving overseas, and citizens to live abroad vote in U.S. elections.

Changes in election administration as the result of the MOVE Act include

- Ballots must be mailed out 45 days before any federal election
- Counties must provide for electronic transmission of voting materials and must provide information about the availability of electronic materials on any communication with voters covered under UOCAVA

Election Law – Title 13

*Elections laws are found in Title 13 of Montana Code Annotated.
Chapters are as follows:*

CHAPTER 1. GENERAL PROVISIONS

CHAPTER 2. REGISTRATION OF ELECTORS

CHAPTER 3. PRECINCTS AND POLLING PLACES

CHAPTER 4. ELECTION JUDGES

CHAPTER 5 THROUGH 9 RESERVED.

CHAPTER 10. PRIMARY ELECTIONS AND NOMINATIONS

CHAPTER 11. ELECTION PROCLAMATION (Repealed)

CHAPTER 12. ELECTION SUPPLIES AND BALLOTS

CHAPTER 13. ELECTION PROCEDURE

CHAPTER 14. NONPARTISAN ELECTIONS

CHAPTER 15. CANVASSING, RETURNS, AND CERTIFICATES

CHAPTER 16. RECOUNTS AND TIE VOTES

CHAPTER 17. VOTING SYSTEMS

CHAPTER 18. ELECTRONIC VOTING SYSTEMS (Repealed)

CHAPTER 19. MAIL BALLOT ELECTIONS

CHAPTER 20 RESERVED.

CHAPTER 21. MONTANA ABSENT UNIFORMED SERVICES AND OVERSEAS ELECTOR VOTING ACT

CHAPTER 22. YOUTH VOTING ACT

CHAPTER 23 AND 24 RESERVED.

CHAPTER 25. ELECTIONS FOR FEDERAL OFFICE

CHAPTER 26. CONVENTION TO RATIFY AMENDMENTS TO UNITED STATES CONSTITUTION

CHAPTER 27. BALLOT ISSUES

CHAPTER 28 THROUGH 34 RESERVED.

CHAPTER 35. ELECTION AND CAMPAIGN PRACTICES AND CRIMINAL PROVISIONS

CHAPTER 36. CONTESTS

CHAPTER 37. CONTROL OF CAMPAIGN PRACTICES

















CHAPTER 38. POLITICAL PARTIES


















Election Administrative Rules – Chapter 44.3 and 44.9


Administrative Rules are more detailed and specific than statute. They contain valuable information about how to conduct processes required in statute. New Rule Notices can be found at: <http://sos.mt.gov/Elections/Laws/index.asp>.

SECRETARY OF STATE





















★ 44.3 - ELECTIONS

























Rule No.	Rule Title	Latest Version	Effective Date
<u>Subchapter 1</u> <u>Voting Accessibility</u>			
<u>44.3.101</u>	INTRODUCTION, SCOPE, AND INTENT		4/13/2012
<u>44.3.102</u>	ROLE OF SECRETARY OF STATE		6/27/2008
<u>44.3.103</u>	DEFINITIONS	REP	4/13/2012
<u>44.3.104</u>	GUIDELINES FOR POLLING PLACE ACCESSIBILITY		5/28/2010
<u>44.3.105</u>	SURVEY PROCEDURE TO DETERMINE ACCESSIBILITY		6/25/2010
<u>44.3.106</u>	EXEMPTION PROCEDURE		6/25/2010
<u>44.3.107</u>	EMERGENCY EXEMPTION		6/27/2008
<u>44.3.108</u>	POLLING PLACE DESIGNATION		6/27/2008
<u>44.3.109</u>	VOTING ACCESSIBILITY ADVISORY COMMITTEE		6/27/2008
<u>44.3.110</u>	ALTERNATIVE MEANS FOR CASTING BALLOT		6/27/2008
<u>44.3.111</u>	THE ELDERLY ELECTOR		3/28/1986
<u>44.3.112</u>	THE VISUALLY IMPAIRED		3/28/1986
<u>44.3.113</u>	TELECOMMUNICATIONS DEVICE FOR THE HEARING IMPAIRED		6/27/2008
<u>44.3.114</u>	COMPLAINTS		10/27/2006
<u>44.3.115</u>	CRITERIA AND PROCESS FOR A PERSON TO BECOME A DESIGNATED AGENT FOR AN ELECTOR WITH A DISABILITY		10/27/2006
<u>Subchapter 10</u> <u>Primary Elections and Nominations</u>			
<u>44.3.1001</u>	NUMBER OF SIGNATURES REQUIRED FOR PETITIONS FOR NOMINATION IN CERTAIN INSTANCES	REP	12/20/1996
<u>Subchapter 11</u> <u>Statewide Voter Registration System</u>			
<u>44.3.1101</u>	SCHEDULE OF FEES FOR STATEWIDE VOTER DATABASE LISTS AND EXTRACTS		6/25/2010
	Rule 44.3.1102 reserved		
<u>Subchapter 13</u> <u>Voter Information Pamphlet</u>			
<u>44.3.1301</u>	SUBMISSION OF VOTER INFORMATION PAMPHLET ARGUMENTS AND REBUTTALS		12/24/1993







<u>44.3.1302</u>	DEFINITIONS		12/24/1993
<u>44.3.1303</u>	FORMAT OF VOTER INFORMATION PAMPHLET ARGUMENTS AND REBUTTALS		6/27/2008
<u>Subchapter 14</u> <u>Absentee Ballots</u>			
<u>44.3.1401</u>	REQUIRED MARKINGS	REP	1/16/2004
	Rule 44.3.1402 reserved		
<u>44.3.1403</u>	FACSIMILE REQUESTS FOR ABSENTEE BALLOTS		6/25/2010
<u>Subchapter 15</u> <u>Facsimile Voting for Electors of the United States Service</u>			
<u>44.3.1501</u>	FACSIMILE MACHINE ACCESS	REP	1/16/2004
<u>44.3.1502</u>	HANDLING OF FACSIMILE BALLOTS	REP	1/16/2004
<u>44.3.1503</u>	BALLOT TRANSMISSION	REP	1/16/2004
<u>44.3.1504</u>	RECEIVING BALLOTS	REP	1/16/2004
<u>44.3.1505</u>	BALLOT LOG	REP	1/16/2004
<u>44.3.1506</u>	ELECTOR AFFIRMATION	REP	1/16/2004
<u>44.3.1507</u>	BALLOT ACCEPTANCE	REP	1/16/2004
<u>44.3.1508</u>	TRANSCRIPTION OF BALLOTS	REP	1/16/2004
<u>44.3.1509</u>	ELECTION JUDGES AND BALLOT SECRECY	REP	1/16/2004
<u>Subchapter 17</u> <u>Voting Machines and Devices and Postelection Audit of Voting Machines</u>			
<u>44.3.1701</u>	EXAMINATION OF VOTING MACHINES AND DEVICES		4/13/2012
<u>44.3.1702</u>	CONDUCT OF EXAMINATION		12/28/1979
<u>44.3.1703</u>	CRITERIA OF CONSTRUCTION		4/13/2012
<u>44.3.1704</u>	CRITERIA OF EXAMINATION		6/25/2010
<u>44.3.1705</u>	COSTS OF EXAMINATION	REP	12/20/1996
<u>44.3.1706</u>	NOTIFICATION TO APPLICANT		6/25/2010
<u>44.3.1707</u>	APPEAL FROM DISAPPROVAL		6/25/2010
<u>44.3.1708</u>	WAIVER OF CONDITIONS		12/20/1996
<u>44.3.1709</u>	EXPERIMENTAL USE OF VOTING MACHINES OR DEVICES	REP	12/20/1996
<u>44.3.1710</u>	EXTENSION OF PREVIOUS APPROVAL OF VOTING MACHINES OR DEVICES		6/25/2010
<u>44.3.1711</u>	BENCHMARK PERFORMANCE STANDARD FOR VOTING SYSTEMS PRIOR TO CERTIFICATION		10/27/2006
<u>44.3.1712</u>	PERFORMANCE CERTIFICATION OF VOTING SYSTEMS PRIOR TO ELECTION		6/27/2008
<u>44.3.1713</u>	UNIFORM PROCEDURES FOR USING VOTING SYSTEMS		6/25/2010
<u>44.3.1714</u>	HANDLING VOTING MACHINE ERROR DURING COUNT		4/13/2012
<u>44.3.1715</u>	METHOD OF CORRECTION OF BALLOT		10/27/2006
<u>44.3.1716</u>	REJECTED BALLOTS -- HANDLING PROVIDED BY RULE		11/11/2011
<u>44.3.1717</u>	SEALING BALLOTS AND VOTING SYSTEMS		6/25/2010
<u>44.3.1718</u>	DEFINITIONS		4/16/2010

<u>44.3.1719</u>	SELECTION PROCESS FOR RANDOM-SAMPLE AUDIT		4/16/2010
<u>44.3.1720</u>	REPORTING PROCESS FOR RANDOM-SAMPLE AUDIT		4/13/2012
	Rules 44.3.1721 through 44.3.1729 reserved		
<u>44.3.1730</u>	USE OF VOTING MACHINES AND DEVICES	REP	12/20/1996
<u>44.3.1731</u>	PROCEDURES FOR USE OF IES (SHOUP) VOTING MACHINES - BEFORE THE POLLS OPEN	REP	10/27/2006
<u>44.3.1732</u>	PROCEDURES FOR USE OF IES (SHOUP) VOTING MACHINES - WHILE THE POLLS ARE OPEN	REP	10/27/2006
<u>44.3.1733</u>	PROCEDURES FOR USE OF IES (SHOUP) VOTING MACHINES - AFTER THE POLLS CLOSE	REP	10/27/2006
<u>44.3.1734</u>	PROCEDURES FOR USE OF AVM (AUTOMATIC VOTING MACHINES) - BEFORE THE POLLS OPEN	REP	10/27/2006
<u>44.3.1735</u>	PROCEDURES FOR USE OF AVM VOTING MACHINES - WHILE THE POLLS ARE OPEN	REP	10/27/2006
<u>44.3.1736</u>	PROCEDURES FOR USE OF AVM VOTING MACHINES - AFTER THE POLLS CLOSE	REP	10/27/2006
<u>44.3.1737</u>	DEFINITIONS - COMPUTER ELECTION SYSTEMS VOTOMATIC (CES)	REP	10/27/2006
<u>44.3.1737A</u>	PROCEDURES FOR USE OF COMPUTER ELECTION SYSTEMS VOTOMATIC - (CES) PRIMARY ELECTION	REP	10/27/2006
<u>44.3.1738</u>	PROCEDURES FOR USE OF COMPUTER ELECTION SYSTEMS VOTOMATIC - (CES) - BEFORE THE POLLS OPEN	REP	10/27/2006
<u>44.3.1739</u>	PROCEDURES FOR USE OF COMPUTER ELECTION SYSTEMS VOTOMATIC - (CES) - WHILE THE POLLS ARE OPEN	REP	10/27/2006
<u>44.3.1740</u>	PROCEDURES FOR USE OF COMPUTER ELECTION SYSTEMS VOTOMATIC - (CES) - AFTER THE POLLS CLOSE	REP	10/27/2006
<u>44.3.1741</u>	CENTRAL COUNTING CENTER FOR TABULATION OF COMPUTER ELECTION SYSTEMS - VOTOMATIC (CES) BALLOTS	REP	10/27/2006
<u>44.3.1742</u>	CENTRAL COUNTING CENTER PROCEDURES AND BOARD DUTIES - OBSERVATION BOARD	REP	10/27/2006
<u>44.3.1743</u>	CENTRAL COUNTING CENTER PROCEDURES AND DUTIES - RECEIVING BOARD	REP	10/27/2006
<u>44.3.1744</u>	CENTRAL COUNTING CENTER PROCEDURES AND DUTIES - INSPECTION BOARD	REP	10/27/2006
<u>44.3.1745</u>	CENTRAL COUNTING CENTER PROCEDURES AND DUTIES - DUPLICATION BOARD	REP	10/27/2006
<u>44.3.1746</u>	CENTRAL COUNTING CENTER PROCEDURES AND DUTIES - WRITE-IN TALLY BOARD	REP	10/27/2006
<u>44.3.1747</u>	CENTRAL COUNTING CENTER PROCEDURES AND DUTIES - BALLOT TABULATION BOARD	REP	10/27/2006
<u>44.3.1748</u>	CENTRAL COUNTING CENTER PROCEDURES AND DUTIES - BALLOT SEALING BOARD	REP	10/27/2006
<u>44.3.1749</u>	CENTRAL COUNTING CENTER PROCEDURES AND DUTIES - ELECTION RESULTS BOARD	REP	10/27/2006
<u>44.3.1750</u>	CENTRAL COUNTING CENTER PROCEDURES AND DUTIES - CLOSING OF COUNTING CENTER	REP	10/27/2006
	Rules 44.3.1751 through 44.3.1759 reserved		
<u>44.3.1760</u>	DEFINITIONS - AMERICAN INFORMATION SYSTEMS (AIS-315)	REP	10/27/2006
<u>44.3.1761</u>	BALLOT PREPARATIONS - AMERICAN INFORMATION SYSTEMS (AIS-315)	REP	10/27/2006
<u>44.3.1762</u>	PROCEDURES FOR USE OF AMERICAN INFORMATION SYSTEMS (AIS-315) - CENTRAL TABULATING SYSTEM - BEFORE THE POLLS OPEN	REP	10/27/2006
<u>44.3.1763</u>	PROCEDURES FOR USE OF AMERICAN INFORMATION SYSTEMS (AIS-315) - CENTRAL TABULATING SYSTEM - WHILE THE POLLS ARE	REP	10/27/2006

	OPEN		
<u>44.3.1764</u>	PROCEDURES FOR USE OF AMERICAN INFORMATION SYSTEMS (AIS-315) - CENTRAL TABULATING SYSTEM - AFTER THE POLLS CLOSE	REP	10/27/2006
<u>44.3.1765</u>	CENTRAL TABULATING CENTER PROCEDURES	REP	10/27/2006
<u>44.3.1766</u>	CENTRAL TABULATING CENTER PROCEDURES AND BOARD DUTIES - OBSERVATION BOARD	REP	10/27/2006
<u>44.3.1767</u>	CENTRAL TABULATING CENTER PROCEDURES AND DUTIES - RECEIVING BOARD	REP	10/27/2006
<u>44.3.1768</u>	CENTRAL TABULATING CENTER PROCEDURE AND DUTIES - STAGING BOARD	REP	10/27/2006
<u>44.3.1769</u>	CENTRAL TABULATING CENTER PROCEDURES AND DUTIES - BALLOT TABULATION BOARD	REP	10/27/2006
<u>44.3.1770</u>	CENTRAL TABULATING CENTER PROCEDURES AND DUTIES - DUPLICATION BOARD	REP	10/27/2006
<u>44.3.1771</u>	CENTRAL TABULATING CENTER PROCEDURES AND DUTIES - RESOLUTION BOARD	REP	10/27/2006
<u>44.3.1772</u>	CENTRAL TABULATING CENTER PROCEDURES AND DUTIES - WRITE-IN TALLY BOARD	REP	10/27/2006
<u>44.3.1773</u>	CENTRAL TABULATING CENTER PROCEDURES AND DUTIES - BALLOT SEALING BOARD	REP	10/27/2006
<u>44.3.1774</u>	CENTRAL TABULATING CENTER PROCEDURES AND DUTIES - ELECTION RESULTS BOARD	REP	10/27/2006
<u>44.3.1775</u>	CENTRAL TABULATING CENTER PROCEDURES AND DUTIES - CLOSING OF TABULATING CENTER	REP	10/27/2006
	Rules 44.3.1776 through 44.3.1780 reserved		
<u>44.3.1781</u>	USE AND SCOPE - COMPUTER ELECTION SYSTEM OPTECH I	REP	10/27/2006
<u>44.3.1782</u>	DEFINITIONS - COMPUTER ELECTION SYSTEMS OPTECH I	REP	10/27/2006
<u>44.3.1783</u>	BALLOT PREPARATION - COMPUTER ELECTION SYSTEMS - OPTECH I	REP	10/27/2006
<u>44.3.1784</u>	PROCEDURES FOR USE OF COMPUTER ELECTION SYSTEMS OPTECH I - ACCURACY TESTING AND CERTIFICATION	REP	10/27/2006
<u>44.3.1785</u>	PROCEDURES FOR USE OF COMPUTER ELECTION SYSTEMS OPTECH I - BEFORE THE POLLS OPEN	REP	10/27/2006
<u>44.3.1786</u>	PROCEDURES FOR USE OF COMPUTER ELECTION SYSTEMS OPTECH I - WHILE THE POLLS ARE OPEN	REP	10/27/2006
<u>44.3.1787</u>	PROCEDURES FOR USE OF COMPUTER ELECTION SYSTEMS OPTECH I - AFTER THE POLLS CLOSE	REP	10/27/2006
<u>Subchapter 20</u> <u>Voter Registration</u>			
<u>44.3.2001</u>	VOTER REGISTRATION VERIFICATION		10/27/2006
<u>44.3.2002</u>	DEFINITIONS		6/25/2010
<u>44.3.2003</u>	APPLICATION FOR VOTER REGISTRATION		10/27/2006
<u>44.3.2004</u>	VOTER REGISTRATION CARD		1/16/2004
<u>44.3.2005</u>	VOTER REGISTRATION CARD INFORMATION REQUIREMENTS		6/25/2010
	Rules 44.3.2006 through 44.3.2009 reserved		
<u>44.3.2010</u>	APPLICANTS INELIGIBLE DUE TO AGE OR RESIDENCE REQUIREMENTS		4/13/2012
<u>44.3.2011</u>	PROVISIONAL REGISTRATION PENDING VERIFICATION		1/16/2004
<u>44.3.2012</u>	VERIFICATION OF VOTER REGISTRATION INFORMATION		6/25/2010

<u>44.3.2013</u>	NOTICE TO APPLICANT OF STATUS OF APPLICATION FOR VOTER REGISTRATION		6/25/2010
<u>44.3.2014</u>	MAINTENANCE OF ACTIVE AND INACTIVE VOTER REGISTRATION LISTS FOR ELECTIONS		11/11/2011
<u>44.3.2015</u>	LATE REGISTRATION PROCEDURES		4/13/2012
<u>44.3.2016</u>	STATEWIDE VOTER REGISTRATION DATABASE		11/11/2011
<p align="center"><u>Subchapter 21</u> <u>Voter Identification and Provisional Voting Procedures at the Polling Place</u></p>			
<u>44.3.2101</u>	VOTER IDENTIFICATION AND PROVISIONAL VOTING PROCEDURES AT THE POLLING PLACE - GENERAL		1/16/2004
<u>44.3.2102</u>	DEFINITIONS		6/25/2010
<u>44.3.2103</u>	PRINTING OF IDENTIFICATION AND PROVISIONAL VOTING MATERIALS		4/13/2012
<u>44.3.2104</u>	ARRANGEMENTS FOR IDENTIFICATION AND PROVISIONAL VOTING PROCEDURES - BEFORE THE ELECTION		1/16/2004
	Rules 44.3.2105 through 44.3.2108 reserved		
<u>44.3.2109</u>	PROCEDURES FOR CHALLENGES		11/11/2011
<u>44.3.2110</u>	PROCEDURES AT THE POLLING PLACE FOR DETERMINING THE SUFFICIENCY OF IDENTIFICATION - PRIOR TO CASTING A BALLOT		4/13/2012
<u>44.3.2111</u>	PROCEDURES AT THE POLLING PLACE FOR DETERMINING ELIGIBILITY TO VOTE - PRIOR TO CASTING A BALLOT		4/13/2012
<u>44.3.2112</u>	PROCEDURES AT THE POLLING PLACE FOR CHALLENGES - PRIOR TO CASTING A BALLOT	REP	10/27/2006
<u>44.3.2113</u>	PROVISIONAL VOTING PROCEDURES AT THE POLLING PLACE AND AT THE ELECTION ADMINISTRATOR'S OFFICE - CASTING A BALLOT		4/13/2012
<u>44.3.2114</u>	PROVISIONAL VOTING PROCEDURES ON ELECTION DAY AFTER THE CLOSE OF POLLS - THE SIXTH DAY AFTER ELECTION DAY		5/28/2010
<u>44.3.2115</u>	PROVISIONAL VOTING PROCEDURES - AFTER FINAL DETERMINATION WHETHER OR NOT TO COUNT PROVISIONAL BALLOTS		6/25/2010
<p align="center"><u>Subchapter 22</u> <u>Absentee Procedures</u></p>			
<u>44.3.2201</u>	FORM OF ABSENTEE BALLOT APPLICATION AND ABSENTEE BALLOT TRANSMISSION TO ELECTION ADMINISTRATOR - GENERAL		1/16/2004
<u>44.3.2202</u>	DEFINITIONS		1/16/2004
<u>44.3.2203</u>	FORM OF ABSENTEE BALLOT APPLICATION AND ABSENTEE BALLOT TRANSMISSION TO ELECTION ADMINISTRATOR		11/11/2011
<u>44.3.2204</u>	PROCESSES AND PROCEDURES FOR EARLY PREPARATION OF ABSENTEE BALLOTS		11/11/2011
	Rules 44.3.2205 and 44.3.2206 reserved		
<p align="center"><u>Subchapter 23</u> <u>Voter Identification and Provisional Voting by Absentee and Mail Ballot</u></p>			
<u>44.3.2301</u>	VOTER IDENTIFICATION AND PROVISIONAL VOTING BY ABSENTEE AND MAIL BALLOT - GENERAL		10/27/2006
<u>44.3.2302</u>	DEFINITIONS		6/25/2010
<u>44.3.2303</u>	ABSENTEE OR MAIL BALLOT ELECTOR IDENTIFICATION FORM		6/25/2010
<u>44.3.2304</u>	PROCEDURES FOR ABSENTEE AND MAIL BALLOT VOTING - DETERMINING THE SUFFICIENCY OF IDENTIFICATION OF PROVISIONALLY REGISTERED ELECTORS		11/11/2011
<u>44.3.2305</u>	PROCEDURES FOR ABSENTEE AND MAIL BALLOT VOTING - PRINTING ERROR OR BALLOT DESTROYED - FAILURE TO RECEIVE	REP	4/13/2012

	BALLOT		
<u>Subchapter 24</u> <u>Ballot Form and Uniformity and Determining a Valid Vote</u>			
<u>44.3.2401</u>	BALLOT FORM AND UNIFORMITY	REP	4/13/2012
<u>44.3.2402</u>	DETERMINING A VALID VOTE IN MANUALLY COUNTING AND RECOUNTING PAPER BALLOTS		4/13/2012
<u>44.3.2403</u>	DETERMINING A VALID WRITE-IN VOTE IN MANUALLY COUNTING AND RECOUNTING PAPER BALLOTS		4/13/2012
<u>44.3.2404</u>	DETERMINING A VALID VOTE ON AN ELECTRONIC VOTING SYSTEM		4/16/2010
<u>44.3.2405</u>	DETERMINING A VALID VOTE ON A FEDERAL WRITE-IN ABSENTEE BALLOT		6/27/2008
<u>44.3.2406</u>	APPLICABILITY TO ELECTIONS ALLOWING VOTES FOR MORE THAN ONE CANDIDATE FOR A POSITION		1/16/2004
	Rule 44.3.2407 reserved		
<u>Subchapter 25</u> <u>Montana Absent Uniformed Services and Overseas Voter Act</u>			
<u>44.3.2501</u>	UNITED STATES ELECTORS		4/13/2012
<u>44.3.2502</u>	FACSIMILE MACHINE ACCESS		1/16/2004
<u>44.3.2503</u>	HANDLING OF FACSIMILE BALLOTS		1/16/2004
<u>44.3.2504</u>	BALLOT TRANSMISSION		1/16/2004
<u>44.3.2505</u>	RECEIVING BALLOTS		4/13/2012
<u>44.3.2506</u>	BALLOT LOG		10/27/2006
<u>44.3.2507</u>	ELECTOR AFFIRMATION		10/27/2006
<u>44.3.2508</u>	BALLOT ACCEPTANCE		10/27/2006
<u>44.3.2509</u>	TRANSCRIPTION OF BALLOTS		10/27/2006
<u>44.3.2510</u>	ELECTION JUDGES AND BALLOT SECRECY		10/27/2006
<u>44.3.2511</u>	ELECTRONIC TRANSMISSION OF VOTING MATERIALS		6/27/2008
<u>Subchapter 26</u> <u>Administrative Complaint Procedures</u>			
<u>44.3.2601</u>	ADMINISTRATIVE COMPLAINT PROCEDURES	REP	6/25/2010
<u>Subchapter 27</u> <u>Mail Ballot Elections</u>			
<u>44.3.2701</u>	INITIATION OF USE IN MULTICOUNTY DISTRICT		4/13/2012
<u>44.3.2702</u>	PLAN SPECIFICATIONS		4/13/2012
<u>44.3.2703</u>	TIMETABLE SPECIFICATIONS		4/13/2012
<u>44.3.2704</u>	PROPORTIONAL VOTING		4/13/2012
<u>44.3.2707</u>	VOTING BY NONREGISTERED ELIGIBLE ELECTORS		4/13/2012
<u>44.3.2710</u>	DISPOSITION OF BALLOTS RETURNED AS UNDELIVERABLE		4/13/2012
<u>44.3.2711</u>	PLACES OF DEPOSIT – ELECTION OFFICIAL DUTIES		4/13/2012
<u>44.3.2714</u>	PROCEDURES TO SECURE BALLOTS		4/13/2012

<u>44.3.2715</u>	RECORDS OF BALLOTS RECEIVED		4/13/2012
<u>44.3.2716</u>	SIGNATURE VERIFICATION PROCEDURES		4/13/2012
<u>44.3.2720</u>	TRANSMITTAL ENVELOPE		4/13/2012
<u>44.3.2721</u>	SIGNATURE ENVELOPE		4/13/2012
<u>44.3.2722</u>	SECRECY ENVELOPE		4/13/2012
<u>44.3.2723</u>	INSTRUCTIONS TO ELECTORS		4/13/2012

Deadlines and Calendars

Regularly scheduled elections in Montana are:

Odd Year Elections

- Municipal Primary Election Tuesday following second Monday in September
- Municipal General Election First Tuesday after first Monday in November

Even Year Elections

- Federal and State Primary Election First Tuesday after first Monday in June
- Federal and State Federal Election First Tuesday after first Monday in November

Annual Elections

- School Election First Tuesday after first Monday in May
- Certain Special District Elections School Election Day

An Election Calendar detailing statutory deadlines is published each year by the Secretary of State.

- Calendar is sent electronically to each county election administrator
- Calendar is published on the SOS website at <http://sos.mt.gov/Elections/Officials/index.asp>.

Important Election Deadlines

Event	Deadline
Candidate filing opens	145 days before a federal election, 135 days before non-federal elections
Candidate filing closes	85 days before a federal election, 75 days before non-federal elections
Close of regular voter registration	30 days before an election
Close of late voter registration	8:00 p.m. on election day (schools exempt)
Absentee ballots are mailed to UOCAVA voters	45 days before a federal election
Absentee ballots are mailed to absentee voters	30 days before a federal election
Noon, day before the election	Deadline to request an absentee ballot, issuing ballots to late registrants closes until 7:00 a.m. election day

Election Notices

Notice	Dates
Close of regular voter registration, availability of late registration	Publish 3 times in the 4 weeks before the 30-day deadline for regular voter registration
Voting system and ballot arrangement diagram, statement of where voting systems are on public exhibition, instructions on how to vote	Publish not more than 10 days or less than 3 days before election
Location and accessibility designations of polling places	Publish not more than 10 days or less than 2 days before election
Notice of Special Election or Annual Election	Publish not more than 40 days or less than 20 days before election

Election Judges

Qualifications

Election judges

- must be registered voters of the county and precinct where they are serving
 - Except when filling vacancies
- cannot be a candidate, or a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

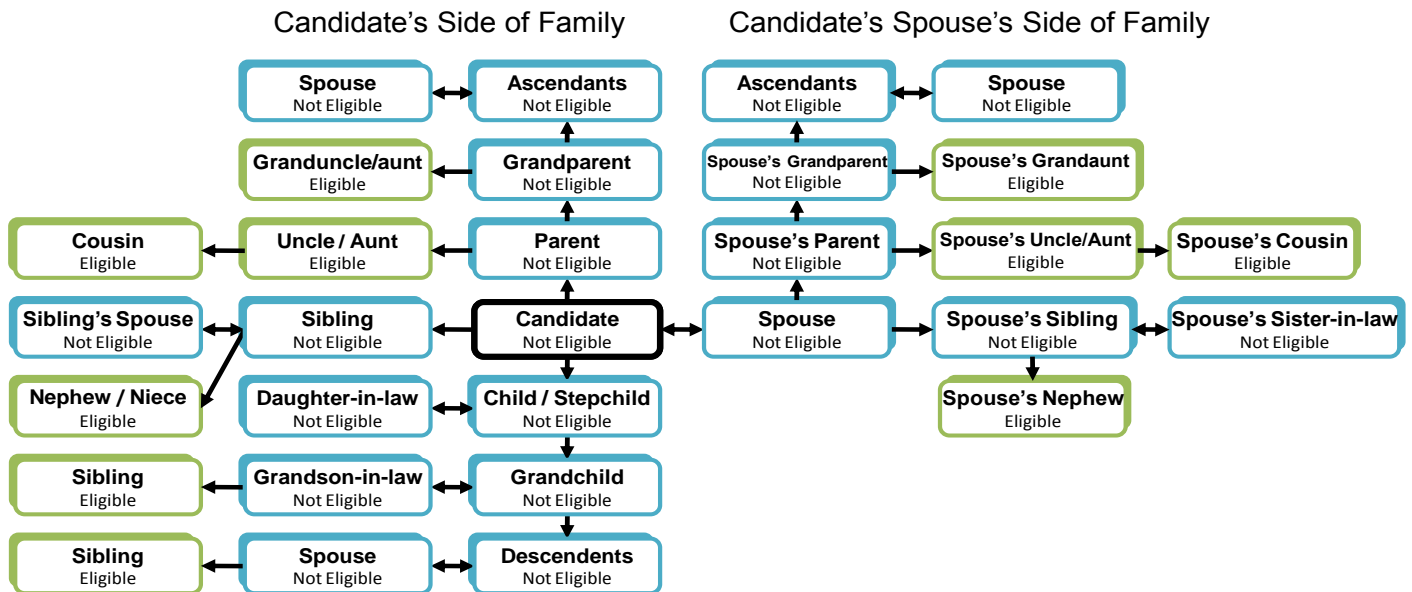
Appointments and Maintaining Lists

- At least 45 days before the primary election in even-numbered years, the county central committees of the political parties eligible to nominate candidates in the primary submit lists of qualified electors.
 - The election administrator uses the submitted lists to compile lists of potential judges representing all parties that submitted lists.
 - If the list provided by the political parties is insufficient, the EA may appoint additional judges
- Judges are appointed by the county governing body from the list compiled by the election administrator at least 30 days before the primary election in even-numbered years.
 - Three or more judges per precinct are appointed
 - A chief judge for each precinct must be appointed
- Judges must attend training conducted by the election administrator every other year

Training

- The election administrator must notify judges of their appointment and of the time set for training.
- Training must include how to operate voting systems if voting systems are used in the county.
- Attendees of the training may not be paid for attendance unless the individual is appointed as an election judge.
- Each election judge completing the training is given a certificate of completion
 - No one can serve as an election judge without a valid certificate, unless filling vacancies in emergencies.
- Election judges must be trained and recertified before each even-year primary election.
- The Secretary of State provides model training for election judges and publishes an Election Judge Handbook that is provided to each election judge by the election administrator.

Election Judge Appointment – Qualification Chart



Statute: 13-4-107. Qualifications of election judges.

(1) Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4).

(2) No election judge may be a candidate or a spouse, ascendant, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

Updated 4.2010

Election Forms (found at <http://sos.mt.gov/Elections/Officials/Forms/index.asp>)

Absentee Forms

[Application for Absentee Ballot](#)
[Absentee List Application](#)
[Absentee Address Confirmation](#)
[Absentee Address Confirmation for Undeliverable Ballot](#)
[Absentee Voting Instructions](#)
[Ballot Transmittal Envelope](#)
[Ballot Signature Envelope with Affirmation](#)
[Ballot Secrecy Envelope](#)
[Ballot Replacement Request](#)
[Security Log for Early Absentee Preparation](#)
[Verification of Signature/Missing Signature](#)

Accessibility Forms

[Oath of Elector Unable to Enter or Needing Assistance in Polling Place](#)
[Notice of Polling Place Locations and Accessibility Designations](#)
[Special Addendum to Precinct Register](#) [PDF](#)
[Accessibility Survey Checklist and Appendix I, II, III and IV](#)
[Polling Place Exemption Request](#)
[Polling Place Accessibility Grant Application](#)
[Polling Place Accessibility Complaint Form](#)
[Designation of Agent by Individual with Disability](#) [PDF](#)

Ballot Layout

[Ballot Layout Instructions and Sample Ballots](#)

Ballot Reconciliation

[Absentee Mail Ballot Reconciliation](#)
[Ballot Reconciliation Report](#)
[Ballot Reconciliation Report for Precinct Tabulator](#)
[Ballot Certification Report](#)
[Early Absentee Ballot Preparation Reconciliation](#)

Candidate Forms

[Candidate Calendar](#)
[Declaration for Nomination and Oath of Candidacy](#)
[Oath of Candidacy and Petition for Nomination of Independent, Minor Party or Indigent Candidate](#)
[Change of Address - Legislature](#)
[Withdrawal of Candidacy](#)
[Declaration of Intent and Oath of Candidacy for Write-In Candidate](#)
[Declaration of Acceptance for Write-In Candidate](#)
[Certificate of Appointment for Replacement Candidate, Declaration of Acceptance and Oath of Candidacy](#)
[Register of Candidates](#)
[County Superintendent of Schools Declaration for Nomination](#)
[Special District Candidate Petition for Nomination](#)

Challenge Forms

[Affidavit of Individual Challenging an Elector](#)
[Affidavit of Challenged Elector](#)
[List of Challenges](#)

Counting, Canvass and Recount Forms

[Activity Log, Report and Certificate of Recount Results](#)
[Canvass of Votes and Declaration of Results](#)
[Certificate of Nomination](#)
[Certificate of Election](#)
[Petition for Recount](#)

Election Judge Forms

[Certificate of Completion of Instruction of Election Judge](#)
[Oath of Office for Election Judges](#)
[Election Judge Selection and Training Checklist](#)
[Checklist of Polling Place Supplies](#)
[Election Judge Handbook](#)
[Oath of Office for Absentee Counting Boards](#)
[Notice to Political Parties of Election Judge Instruction](#)

Mail Ballot Forms

[Mail Ballot Written Plan, Timetable, and Instructions](#)
[Ballot Transmittal Envelope](#)
[Ballot Signature Envelope with Affirmation](#)
[Ballot Secrecy Envelope](#)
[Ballot Replacement Request](#)
[Mail Ballot Non-Registered Signature Verification Form](#)
[Mail Ballots Voted in Person and Replacement Ballots](#)
[Mail Ballot Place of Deposit Signature Log](#)
[Mail Ballot Daily Log of Ballots Received](#)
[Mail Ballot Place of Deposit Transport Box Seal Register](#)
[Verification of Signature/Missing Signature](#)
[Undeliverable Mail Ballot NVRA Confirmation Notice](#)

Military and Overseas (UOCAVA) Forms

[Federal Post Card Application](#)
[Federal Write-In Absentee Ballot](#)
[Absent Military and Overseas Envelopes](#)
[Notice to Absent Military or Overseas Elector Who Requests to Vote by Facsimile or Email](#)
[Request by Absent Military or Overseas Elector to Vote by Facsimile or Email](#)
[Notice Regarding Status of Federal Postcard Application](#)
[Absentee Address Confirmation Notice for Absent Military and Overseas Citizen Voters](#)
[Absent Military and Overseas Citizen Absentee Voting Instructions](#)

Notice Forms

[Notice of Close of Regular Registration and Option for Late Registration](#)
[Notice of Close of Nominations](#)
[Notice of Special Election](#)
[Notice of Polling Place Locations and Accessibility Designations](#)
[Notice of Voting System Exhibition, Diagrams and Voting Instructions](#)
[Notice at the Polling Place on ID and Provisional Balloting](#)

NVRA Forms

[NVRA First Confirmation Notice](#)
[NVRA Second Confirmation Notice](#)

Petition Forms

[Affidavit of Petition Signature Gatherer](#)
[Request for Withdrawal of Petition Signature](#)
[Petition to Qualify a Political Party](#)
[Petition for Recount](#)
[Designation of Lead Petitioner](#)

Polling Place Forms

[Checklist of Polling Place Supplies](#)
[Notice at the Polling Place on ID and Provisional Balloting](#)
[Voter Information Poster](#)
[Warning Poster](#)
[Polling Place Relocation Procedures Checklist](#)
[Certificate of Erroneous Omission](#)
[Ballot Certification Report](#)
[Polling Place Elector ID](#)

Post Election Audit Forms

[Post Election Audit Guide](#)
[Post Election Audit Reconciliation Form and Report](#)
[Post Election Audit Exemption Request](#)
[Post Election Audit Tally Sheet](#)

Provisional Voting and ID Forms

[Provisionally Registered Elector ID](#)
[Notification to Provisional Elector of Insufficient ID](#)
[Polling Place Elector ID](#)
[Provisional Ballot Outer Envelope](#)
[Provisional Ballot Instructions](#)
[Provisional Ballot Secrecy Envelope and Provisional Ballot Container Labels](#)
[Notice Whether Provisional Ballot Was Counted and the Reason](#)

Voter Registration Forms

[Voter Registration Application](#)
[Voter Registration List Request](#)

Voting System and Security Forms

[Notice of Voting System Exhibition, Diagrams and Voting Instructions](#)
[Public Testing Certification](#)
[Election Day Testing Certification](#)
[Voting System Chain of Custody Seal Log](#)
[Ballot Reconciliation for Precinct Counter](#)
[AutoMARK Reporting and Tally Sheet](#)
[Security Seal Log](#)

Candidate Filing and Ballot Preparation

Candidate Filing

Candidate filing opens for state and federal elections each even year **145 days before the Primary Election, and closes 85 days before the Primary Election.** All candidates, including Independent candidates must file by the 85 day deadline.

Write-in candidates have until approximately **40 days before the election (federal primary or general)** to file a declaration of intent to run as a write-in candidate.

Legislative candidates and candidates for statewide offices file their declarations and pay their filing fee with the Secretary of State.

Filing fees are calculated as follows:

- | | |
|--|--------------------------------|
| • Offices having an annual salary of \$2,500 or less, and candidates for the legislature | \$15.00 |
| • County offices having an annual salary of more than \$2500 | .5% of the total annual salary |
| • Other offices having an annual salary of more than \$2500 | 1% of the total annual salary |
| • Offices in which compensation is paid in fees | \$10.00 |
| • Officers of political parties, and offices who receive no salary or fees | No filing fee |

Ballot Preparation

The Secretary of State certifies the statewide and state district candidates, and any statewide ballot initiatives to each county no later than 75 days before a primary and general election.

Each county must provide ballot layout information to the printer of their choice, and also to Elections Systems and Software, the company that programs the media for the AutoMARK, and for tabulating equipment.

The ballot is one of the most critical components if elections, if not THE most critical. Extra time and resources should be spent ensuring the ballot contains all offices and contests, that they are in the correct order, that all spelling is correct, and that the ballot printer has the necessary expertise and specifications to create and print a ballot that is compatible with the equipment, including the AutoMARK, that each county uses.

Ballots must be available to send to voters covered under UOCAVA **no later than 45 days** before a federal primary, federal special, or federal general election.

All other absentee ballots must go out no later than 30 days before a federal primary, federal special, or federal general election.

Sample Ballot Template

OFFICIAL GENERAL ELECTION BALLOT SAMPLE COUNTY, MT November 2, 2010		
Sample County	State of Montana	November 2, 2010
INSTRUCTIONS TO VOTERS 1. TO VOTE, BLACKEN (●) THE OVAL COMPLETELY. An oval blackened completely to the left of the candidate or ballot issue choice indicates a vote for that candidate or a vote on the ballot issue. 2. To write in a name, blacken the oval to the left of the line provided, and write in the name (or affix a pre-printed label) in the blank space(s) for the write-in candidate(s) for whom you wish to vote. 3. DO NOT CROSS OUT. If you make a mistake or change your mind, exchange your ballot for a new one. VOTE IN ALL COLUMNS VOTE BOTH SIDES		
FEDERAL AND STATE (Continued)		COUNTY (Continued)
FOR SUPREME COURT JUSTICE #2 UNEXPIRED TERM (VOTE IN ONE OVAL) Shall Justice #2 Mike Wheat of the Supreme Court of the state of Montana be retained in office for another term? Fill in the oval before the word "YES" if you wish the official to remain in office. Fill in the oval before the word "NO" if you do not wish the official to remain in office. <input type="radio"/> YES <input type="radio"/> NO		FOR JUSTICE OF THE PEACE (VOTE FOR ONE) <input type="radio"/> SHAWN LARSON (NOMINATED WITHOUT PARTY DESIGNATION) <input type="radio"/> ROGER MUDD (NOMINATED WITHOUT PARTY DESIGNATION) <input type="radio"/>
FOR UNITED STATES REPRESENTATIVE (VOTE FOR ONE) <input type="radio"/> MIKE FELLOWS LIBERTARIAN <input type="radio"/> DENNIS McDONALD DEMOCRAT <input type="radio"/> DENNY REHBERG REPUBLICAN <input type="radio"/>		BALLOT ISSUES - STATE
FOR PUBLIC SERVICE COMMISSIONER DISTRICT 1 (VOTE FOR ONE) <input type="radio"/> TRAVIS KAVULLA REPUBLICAN <input type="radio"/> DON RYAN DEMOCRAT <input type="radio"/>		CONSTITUTIONAL CONVENTION CALL NO. 2 (VOTE IN ONE OVAL) A CALL FOR A CONSTITUTIONAL CONVENTION REQUIRED BY THE MONTANA CONSTITUTION Article XIV, sections 3 and 4, of the Montana constitution requires the question of holding an unlimited constitutional convention to be submitted to the people at the general election in each 20th year following its last submission. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session. <input type="radio"/> FOR calling a constitutional convention. <input type="radio"/> AGAINST calling a constitutional convention.
FOR SUPREME COURT JUSTICE #4 FULL TERM (VOTE FOR ONE) <input type="radio"/> BETH BAKER (NOMINATED WITHOUT PARTY DESIGNATION) <input type="radio"/> NELS SWANDAL (NOMINATED WITHOUT PARTY DESIGNATION) <input type="radio"/>		
FOR DISTRICT COURT JUDGE DISTRICT 21 DEPT. 1 (VOTE IN ONE OVAL) Shall Judge Jeff Langton of the Twenty-First Judicial District, Dept. 1 of the state of Montana be retained in office for another term? Fill in the oval before the word "YES" if you wish the official to remain in office. Fill in the oval before the word "NO" if you do not wish the official to remain in office. <input type="radio"/> YES <input type="radio"/> NO		
FOR STATE SENATOR DISTRICT 1 (VOTE FOR ONE) <input type="radio"/> CHAS V. VINCENT REPUBLICAN <input type="radio"/>		
FOR STATE REPRESENTATIVE DISTRICT 1 (VOTE FOR ONE) <input type="radio"/> GERALD (JERRY) BENNETT REPUBLICAN <input type="radio"/> EILEEN CARNEY DEMOCRAT <input type="radio"/>		
COUNTY		
FOR COUNTY COMMISSIONER DISTRICT 1 (VOTE FOR ONE) <input type="radio"/> SARAH SILKE DEMOCRAT <input type="radio"/> JOHN THOMAS REPUBLICAN <input type="radio"/>		
VOTE IN NEXT COLUMN		VOTE BOTH SIDES
Test Precinct	Typ:01 Seq:0001 Spl:01	Seq:0001

Electronic Statewide Election Reporting Service (eSERS)

The eSERS program allows counties to enter or upload election results into a statewide system that allows the public to see results as they are compiled.

eSERS flags potential recount races, shows votes cast, and has interactive maps.

The system also provides an electronic official canvass report for counties.


1. Direct web browser to <https://portal.svrs.mt.gov>
2. Click on the eSERS icon.
3. User successfully receives sSERS main screen (below).



4. User's available menus and menu selections match security role for user account.
 - a. County user has access to their county only.
 - i. Returns – Maintain Returns
 - This is the menu item used to either:
 - Upload precinct-level results if central tabulation equipment is used by the county
 - Manually enter precinct-level results
 - Manually enter write-in votes for qualified write-in candidates
 - ii. Post Election – Canvass Report and Canvass Completion
 - This is the menu item used to review and verify results
 - A canvass report is printed and provided to the county canvass board for their review, verification and certification
 - A canvass certification is printed and signed by the county canvass board members and the clerk and recorder/election administrator
 - The canvass report and certification is mailed in to the Secretary of State immediately after the county canvass

This is the results site that the public will be checking on election night.

Navigate to <http://electionresults.sos.mt.gov> to receive the following screen:




MONTANA SECRETARY OF STATE

Secretary of State Linda McCulloch

2010 Election Center

UNOFFICIAL RESULTS
General Election - November 2, 2010

SOS Home

Precincts Fully Reported: 0.13% (1/795)  • Precincts Partially Reported: 0.00% (0/795)
Last Updated: 10/11/2010 3:58:12 PM MT • Auto Refresh: 4:42

ELECTION RESULTS


- [United States Congress](#)
- [Public Service Commissioner](#)
- [State Supreme Court](#)
- [District Court Judge](#)
- [State Senate](#)
- [State House](#)
- [Ballot Measures](#)

ELECTION RESOURCES

- [Voter Turnout](#)
- [Possible Recount Races](#)
- [Results by County](#)

MAPS

- [State House Map](#)
- [State Senate Map](#)

Microsoft Silverlight  is required to view election maps

ELECTION NIGHT RESULTS REPORTING IS A SERVICE PROVIDED BY THE OFFICE OF THE MONTANA SECRETARY OF STATE, IN COOPERATION WITH MONTANA'S CLERK & RECORDERS AND ELECTION ADMINISTRATORS.

Recounts

To ensure uniformity in the event of a statewide or state district recount, a Recount Guide has been provided by the Secretary of State. The Recount Guide should be used in conjunction with the Secretary of State's publications "Title 13 Election Laws", Election Judge Handbook, and with Administrative Rules.

A recount consists of a manual count of paper ballots, is open to the public, and Notice of the day, time and location of the recount must be given as provided by law.

All recounts must be conducted by the county recount board, which consists of three members of the county governing body. The recount board may appoint additional county employees or hire clerks to assist as needed.

Recounts are not automatic, unless a tie has been certified. Absent a tie, an unsuccessful candidate can request a recount by filing a petition for recount within 5 days after the official canvass if the margin of defeat does not exceed $\frac{1}{4}$ of 1% of the total votes cast for that office. If the margin of defeat exceeds $\frac{1}{4}$ of 1%, but does not exceed $\frac{1}{2}$ of 1% of the total votes cast for all candidates for the same position, an unsuccessful candidate may file a petition for recount with 5 days after the official canvass and post a bond to cover the costs of the recount.

A canvassing board may petition for a recount when the board finds an error in a precinct or precincts affecting the accuracy of vote totals.

See the Recount Guide for information on Ballot Issue recounts and court ordered recounts.

The Recount Guide contains detailed direction for conducting a statewide or state district recount and should be reviewed by each election administrator.

Acronyms

Acronym	Meaning
BMW	Ballot Marking Wizard for UOCAVA Voters
CPP	Commissioner of Political Practices
EA	Election Administrator
EDR	Election Day Registration
eSERS	Electronic Statewide Election Reporting System
FAQs	Frequently Asked Questions
FPCA	Federal Post Card Application – voter registration application for voters covered under UOCAVA, serves as simultaneous request for absentee ballot
FVAP	Federal Voting Assistance Program – responsible for assisting military and overseas voters with election processes
FWAB	Federal Write-in Absentee Ballot – an emergency “back-up” ballot for voters covered under UOCAVA
HAVA	Help America Vote Act
MACR	Montana Association of Clerks and Recorders
METAC	Montana Election and Technology Advisory Council
MOVE Act	Military and Overseas Voter Empowerment Act
MVD	Motor Vehicle Department
NVRA	National Voter Registration Act
PEA	Post Election Audit – audit of voting equipment performed after each federal election
SOS	Secretary of State
UOCAVA	Uniformed and Overseas Citizens Absentee Voting Act
VIP	Voter Information Pamphlet – official pamphlet published every even year with information about ballot initiatives, mailed to each household with active voters.
VRA	Voting Rights Act

Chapter 2

Mail Ballot Elections

Mail Ballot Elections

Montana law allows certain elections to be conducted by mail, with the approval of the governing body of the jurisdiction holding the election. Elections that cannot be conducted by mail are Federal elections – Primary and General elections held each even year in June and November.

Some important deadlines for mail ballot elections:

- Written Plan that includes the **Plan, Timetable and Instructions**, must be submitted to the Secretary of State so that **it is received at least 60 days** prior to the election date.
- Written Plan may be amended in writing to the Secretary of State any time prior to the **35th day** before the election.
- The Secretary of State shall approve, disapprove, or recommend changes to the plan or amendments **within 5 days** of receiving the plan or amendments.
- Ballots and accompanying materials must be mailed between **15 and 25 days** before the election, according to the deadlines specified in the written plan.

Mail Ballot Written Plan, Timetable and Instructions

The prescribed form for a Mail Ballot Written Plan, Timetable and Instructions can be found at <http://sos.mt.gov/Elections/Officials/Forms/index.asp#MailBallot>.

Chapter 3

Petition Processing

Signature Verification for Statewide Petitions

Signature gatherers for ballot initiatives must submit signed petition sheets to county election offices for verification of signatures. Election Administrators must, within 4 weeks after receiving a statewide petition, check the names of all petition signers in to verify they are registered voters in their county, and must compare the signatures of voters in their county with signatures on voter registration cards. This verification takes place in MT Votes, and involves pulling up each signer's signature on the scanned voter registration card.

Verified signature sheets with a certification attached must be sent to the Secretary of State as soon as possible, but not later than 4 weeks after the county receives the petition sheets from a signature gatherer or sponsor. Final submittal of all verified petition sheets to the Secretary of State is 5:00 p.m. of the third Friday of the fourth month prior to the election. Statewide ballot issues appear on the November general election ballot, so the cutoff for submittal by the election administrator to the Secretary of State is the third Friday in July. **This deadline is very important. If an election administrator does not get the petition sheets submitted by 5:00 p.m. on this deadline, the Secretary of State cannot tabulate the signatures on the late petitions.**

Upon discovery of fraudulent or duplicate signatures on any one ballot issue, the election administrator may submit the signer's name to the county attorney to be investigated.

Counties must keep copies of the verified petition sheets in the office. The copies may be destroyed 3 months after the election, unless there is a pending court action.

Petitions and verified signatures are tracked in MT Votes, and the certification the election administrators sends to the Secretary of State with the verified petitions is found in MT Votes as the PM-009 Report:

To the Honorable _____, Secretary of State of the state of Montana:

I, _____, Election Administrator of the County of _____, certify that I have examined the attached (section containing ____ sheets) or (____ sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. ____ in the manner prescribed by law; and I believe that ____ (number) signatures in (Legislative Representative District No. ____ or the County of ____) (repeat for each district or county included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address, residence address, or telephone number is completed for each valid signature.

Signed: _____ (Date) _____ (Signature)

Seal _____ (Title)

Processing Petitions in MT Votes

Statewide petitions are set up in MT Votes by the Secretary of State. Local petitions are set up in MT Votes by the election administrator.

The election administrator must conduct a search for each petition signer in MT Votes. The search can be done by name, phone number, address, or any combination of that criteria. If the signer is not a registered voter in your county, the signature must be rejected. There are several other reasons for rejecting a signature, which can be selected in the system as applicable. MT Votes will flag a voter who has already signed a particular petition, so that if they sign a petition for the same issue twice, the second signature will be rejected.

Once all signatures on a petition submittal have been verified and processed, you will run a report in MT Votes that gives the number of verified signatures by House District. This report/certification must be attached to the original petition sheets and sent to the Secretary of State.

Chapter 4

Equipment and Security

- ✓ Types of Equipment
- ✓ Security and Testing
- ✓ Post Election Audits

Types of Equipment

Voting equipment used in Montana must first be certified by the Secretary of State. Certified for use in Montana are:

- Central count tabulators called M650's (legacy 150's) or DS850's
- Precinct level tabulators called M100's or DS200's
- Voter Accessibility Terminals called AutoMARKs

Security and Testing

The Secretary of State provides a comprehensive [Uniform Ballot and Voting System Procedures Guide](#) for detailed information about security of ballots and voting systems, testing procedures, and for troubleshooting voting system problems.

Post Election Audits

A post election audit of randomly selected contests and precincts must be conducted after each federal election (Primary and General).

The post election audit must be conducted before the official county canvass of results.

<i>Post-Election Audit Sample Timeline (exact dates vary by election cycle)</i>	
June 5 Primary Election	
June 12	Earliest date for state board of canvassers to randomly select precincts, races and ballot issues
June 13	Earliest date for county audit
June 14	Earliest date for county canvass (at least one day after audit)
June 18	Latest date for county audit
June 19	Latest date for county canvass (at least one day after audit)
July 2	Statewide Canvass must be complete, results certified
Nov 6 General Election	
Nov 13	Earliest date for state board of canvassers to randomly select precincts, races and ballot issues
Nov 14	Earliest date for county audit
Nov 15	Earliest date for county canvass (at least one day after audit)
Nov 19	Latest date for county audit
Nov 20	Latest date for county canvass (at least one day after audit)
Dec 3	Statewide canvass must be complete, results certified

Post Election Audit Checklist

Deadline	Task	Completed
	Governing body appoints county audit board	
	EA schedules and notices audit	
	Notified by SOS of randomly selected precincts and contests	
	Check seals on ballot containers to ensure they are intact	
	Prepare PEA supplies, forms, guidelines, etc	
	Conduct Audit:	
	Open ballot containers	
	Place ballots into stacks per guidelines	
	Hand count stacks of ballots	
	Ensure hand count tallies match	
	Record results including exceptions	
	Sign Reconciliation and Report Form	
	Expand audit if required	
	Seal ballots	
	Send Reconciliation and Report Form to SOS	
	Conduct canvass	
	Use audit results as definitive results for canvass	
	Include resolution and write-in ballot totals if necessary	

Chapter 5

Election Records Retention Schedule

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: ELECTIONS

ITEM RECORD TITLE AND DESCRIPTION RETENTION TIME COMMENTS

1. ABSENTEE BALLOT ENVELOPES

- a. Returned/Verification (signed envelopes)
- b. Secrecy
- a. & b. 1 year

2. ABSENTEE BALLOT LOGS

- a. Voter's Absentee ballot request-county and local elections
- b. Voter's absentee ballot request-state and federal elections
- c. Election administrator's certification of absentee ballots issued
- d. Confirmation letter to annual absentee voter
- a. 1 year if no recount is pending.
- b. 2 years if no recount is pending.
- c. 1 year for county & local elections; 2 years for state and federal elections.
- d. 1 year

3. ADDRESS CONFIRMATION CARDS- Notification cards sent to voters that failed to vote in a General election or because mail ballot was returned as undeliverable; part of NVRA process.
2 years

4. AFFIDAVITS OF PUBLICATION (Notices of election)

- a. close of registration
 - b. polling places
 - c. notice of election
 - d. notice-public test of election machine
 - e. filing deadlines
 - f. proof of publications
- County and Local Government- 1 year
State and Federal- 2 years***

5. AUDIT LOG- CENTRAL COUNTER or PRECINCT COUNTER

- 1 year for county & local elections.
- 2 years for state & federal elections.

6. AUTOMARK FLASHCARD –Necessary to mark the ballots or produce audio of ballot.
6 days after the canvass of the election if no recount or court action is pending.

7. BALLOTS –COUNTY AND LOCAL GOVERNMENT

- a. Voted and un-voted and detached stubs
 - b. Unused
 - c. Unverified Provisional ballots
 - d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope.
 - e. Test Ballots-Automark
 - a. 1 year if no recount is pending *
- see MCA 13-1-303
b. 6 months

c. and d. 1 year

e. 1 year

8. BALLOTS –STATE AND FEDERAL

a. Voted and un-voted and detached stubs

b. Unused

c. Unverified Provisional ballots

d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope.

e. Test Ballots-Autemark

a. 2 years* if no recount is pending (federal law)see Federal Law***

b. 6 months

c. and d. 2 years

e. 2 years

9. CANDIDATE FILING FORMS OR PETITIONS (see clerk and recorder retention schedule)

10. CANDIDATES- REGISTER OF

4 years

11. CANVASS BOOKS/RESULTS

County and Local Government- 1 year

State and Federal- 2 years***

12. CERTIFICATION OF AUTOMARK TESTING

2 years if no recount is pending

13. CERTIFICATION OF TABULATION EQUIPMENT TESTING

2 years if no recount is pending

14. **ELECTION SEAL LOG** 2 years if no recount is pending

15. **ELECTRONIC DEVICE** or related software necessary to count ballots. 6 days after the canvass of the election if no recount or court action is pending.

16. **INVOICES FOR ELECTION COSTS** Audit + 1 year

17. **M 100 TAPE ROLLS**- Tracks all activity on the M 100 machine.

2 years if no recount.

18. MAIL BALLOT ELECTIONS

a. Secrecy envelopes

b. Returned/Verification (signed envelope)

c. Undeliverable envelopes

d. Ballots

e. Daily tally of mail ballots received

f. Record of questioned ballots

g. Transport box seal register

h. Written plan-duplicate-original at Secretary of State office

i. Replacement ballot register

j. Record of ballot voted in person

k. Place of deposit signature log

l. Replacement ballot request

County and Local Government-1 year if no recount /court action is pending

State- 2 years unless court action or recount is pending.

19. OFFICIAL RETURNS OF ELECTION

Permanent

20. PETITIONS- LOCAL

8 years Originals

21. PETITIONS- STATEWIDE

a. non-Presidential

b. Presidential

a. 3 months after election** see MCA 13-27-305

b. 2 years*** Copies

22. POLL AND TALLY BOOKS

4 years

**23. POST ELECTION AUDIT RECONCILIATION AND
REPORT TO SECRETARY OF STATE**

2 years if no recount is pending

24. PRECINCT MAPS

Permanent

25. PRECINCT REGISTERS

4 years Historic value

26. ELECTIONS – REGISTRATION

- a. Voter Confirmation Card – returned as undeliverable
- b. Cancellation Notice from other Counties or States
- c. Death Notice from other Counties or States
- d. Lists of Purged Voters – canceled voters purged from the statewide system by SOS.
- a. 5 years
- b. 4 years
- c. 4 years
- d. 5 years

27. REGISTRATION CARDS Permanent- Original and latest change of address or cancellation

Microfilm if possible

28. RESOLUTIONS CALLING FOR ELECTION

- a. special district
- b. school
- c. county

Original- Permanent

Duplicate copies- 1 year

* In addition to retaining the ballots, you will need to keep any electronic device or related software necessary to read the ballots. For example, if you use a ballot that does not have the names of the candidates printed directly on the ballot, but use an electronic counting board to do the canvass, you need to save the counting board. You will need to retain anything necessary to run a recount.

** Unless a court action is pending on the sufficiency of the petition.

***FEC Regulations require everything pertaining to Federal elections must be retained for 2 years

Elections Record Retention Schedule – Adopted by the Local Government Records Committee, Revised May 2013

* In addition to retaining the ballots, you will need to keep any electronic device or related software necessary to read the ballots. For example, if you use a ballot that does not have the names of the candidates printed directly on the ballot, but use an electronic counting board to do the canvass, you need to save the counting board. You will need to retain anything necessary to run a recount.

** Unless a court action is pending on the sufficiency of the petition.

***FEC Regulations require everything pertaining to Federal elections must be retained for 2 years

REVISED Rev 1.1 11-2003

ITEM 5 BALLOTS –COUNTY AND LOCAL GOVERNMENT- Added:

- | | | |
|---|----------------|-----------|
| c. Unverified Provisional ballots | Retention time | c. and d. |
| 1 year | | |
| d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope | | |

ITEM 6 Added: BALLOTS –STATE AND FEDERAL Added:

- | | | |
|---|----------------|--------|
| c. Unverified Provisional ballots | Retention time | c. and |
| d. 2 years | | |
| d. Verified Provisional ballot secrecy envelopes and outer affirmation envelope | | |

REVISED Rev. 1.2 10-2006

Item 1 ABSENTEE BALLOT LOGS revised as shown below

- | | | |
|--|--|--------------------|
| 1. ABSENTEE BALLOT LOGS | a. 1 year if no recount is pending. | Deleted:4 years |
| | b. 2 years if no recount is pending. | see MCA 13-13-233. |
| a. Voter's Absentee ballot request-county and local elections | c. 1 year for county & local elections; 2 years for state and federal elections. | |
| b. Voter's absentee ballot request-state and federal elections | d. Permanent | |
| c. Election administrator's certification of absentee ballots issued | e. 1 year for county & local elections; 2 years for state and federal elections. | |
| d. Voter's request to be on permanent absentee list | | |
| e. Confirmation letter to permanent absentee voter | | |

Item 2: ABSENTEE BALLOT ENVELOPES- Changed retention time to 1 year.

Item 3. ADDRESS CONFIRMATION CARDS -Added “or because mail ballot was returned as undeliverable.”

New Item #5 - AUDIT LOG **Note: all items after this are renumbered**

New Item #6 - AUTOMARK FLASHCARD

Item #7 -BALLOTS-COUNTY AND LOCAL GOVERNMENT- Deleted from a. “Includes signed affirmation envelopes and undelivered or returned envelopes from mail ballot elections”

Item #8 BALLOTS-STATE AND FEDERAL Deleted from a. “Includes signed affirmation envelopes and undelivered or returned envelopes from mail ballot elections”

Item #9 CANDIDATE FILING SHEETS OR PETITIONS –replaced “SHEETS” with “FORMS”; Ret. Time - deleted “Terms of office”; Comments added “See Clerk and Recorders Retention Schedule for filing and retention time of candidate’s financial statements and oaths of office.”

New Item #12 - ELECTRONIC DEVICE

New Item #13 -INVOICES FOR ELECTION COSTS

REVISION 1.3 10-2009

Item s# 7a. & 8 a.) added “and detached stubs”

REVISED 1.4 4-2010

Face Sheet -Corrected adopted date from April 2005 to August 1996 & added Rev 1.4 and date adopted April 2010

Items # 7 e. & 8 e. added: Test Ballots-Automark 7.e 1 year 8.e 2 years

New Items: #12, 13, 14, 17, and 23 **Note: all items starting with # 12 are renumbered.**

12.	CERTIFICATION OF AUTOMARK TESTING	2 years if no recount is pending
13.	CERTIFICATION OF TABULATION EQUIPMENT TESTING	2 years if no recount is pending
14.	ELECTION SEAL LOG	2 years if no recount is pending
17.	M 100 TAPE ROLLS- Tracks all activity on the M 100 machine.	2 years if no recount.
23.	POST ELECTION AUDIT RECONCILIATION AND REPORT TO SECRETARY OF STATE	2 years if no recount is pending

Chapter 6

Frequently Asked Questions

- ✓ Voter Registration
- ✓ UOCAVA Voters
- ✓ Candidate Filing/Ballot Certification
- ✓ Polling Places
- ✓ Assistance to Individuals with Disabilities
- ✓ Voting Systems Testing and Certification
- ✓ Absentee Voting
- ✓ Provisional Voting and ID
- ✓ Counting and Canvassing
- ✓ Petitions/Ballot Issues
- ✓ Mail Ballot Elections

Voter Registration

What is the cutoff for regular registration for every election?

A. It is 30 days before each election.

When elections are held on Tuesdays, as most all elections are, the 30th day before the election is always a Sunday, so the date rolls over to Monday, the 29th day before the election.

Do we have to accept cards that are postmarked by the close of regular voter registration but are received after the 30th day?

A. Yes, as long as they are received within 3 days of the close of regular voter registration.

What if a person fails to include their driver's license number, or if they have no driver's license number, fails to provide the last four digits of their SSN? If they have neither, can they provide an ID?

A. A person is provisionally registered if they do not provide a verified DLN or partial SSN. If they have neither (this will be VERY FEW people) and provide an accepted form of ID, they can be regularly registered.

Late Registration

When does late registration start?

A. The day after regular registration ends (except for school elections, which are exempt from late registration requirements except in certain circumstances).

Does it have to be done at the county election office?

A. Yes.

Can a late registrant take their ballot with them and return it later?

A. Yes (or at the location designated by the election administrator for late registration).

Can a late registrant return a ballot to the polls?

A. No.

Are late registrants considered absentee voters?

A. Yes.

An election judge calls on election day and says that there is a voter at the polls who says they registered at the driver's license office 2 weeks ago. They do not appear in the register. What do you do?

The Motor Vehicle Department must be called, either by the election office, or by the election judge to verify the registration information. (Remember, the MVD stays open to

answer these calls every election day, including when election day is a holiday). If the individual's registration is verified by MVD, use the "Erroneous Omission from Register" form, and allow the person to vote a regular ballot. If the MVD reports no record of the individual registering, the person may vote a provisional ballot at the polling place, or may go to the election office, late register, and cast a ballot there.

An individual who is 17, but who will turn 18 on election day comes in to register to vote. The individual also requests to be on the annual absentee list. Can this individual be on the annual absentee list and get a ballot for the upcoming election, when he won't be 18 until election day?

No, according to Montana law, a person may not vote at elections unless the person is 18 year of age or older. Because this individual will not turn 18 until election day, they cannot vote a ballot until election day and so would have to go to the polls to cast their ballot.

UOCAVA

Who are Uniform and Overseas Citizen Absentee Voting Act (UOCAVA) voters?

A. These are absent active duty military and overseas voters. They are referred to in state law as "covered voters".

What is FVAP?

A. This is the Federal Voting Assistance Program. The program staff members assist absent military and overseas voters with registration and voting. The website is fvap.gov.

Do I have to allow a UOCAVA voter to register, apply for an absentee ballot, or vote a ballot by fax, email or some other electronic means?

A. Yes.

Can a UOCAVA voter late register?

A. Yes. Previously a UOCAVA voter could only late register using the FWAB (Federal Write-In Absentee Ballot) but new law allows them to late register even though they cannot appear at your office to do so.

What is a FWAB and where can someone get one?

A. FWAB is a Federal Write-in Absentee Ballot, used as a back-up ballot if a UOCAVA voter does not receive a regular ballot in time. A FWAB can be accessed from the Secretary of State's website, or from FVAP's website.

A U.S. citizen residing in Canada wants to register in your county. While the individual has never lived in your county, his parents do reside there. What do you tell this potential voter?

A. This voter, although a U.S. citizen, is not eligible to vote in your county. Montana law is clear that an overseas civilian may vote in the last place in which the person was domiciled before leaving the U.S. 13-21-102(5) (c)

Candidate Filing and Ballot Certification

When does candidate filing start and end? Have the dates changed for both federal elections and local and school elections?

A. Candidate filing starts 145 days before the primary and will end 85 days before the primary. This means candidate filing will open 10 days earlier and close 10 days earlier than in the recent past, although it will still last 60 days.

The dates have only changed for the federal elections, not for any local or school elections.

However, if a local election is held on the same day as a federal election, the filing deadlines for the local election are the same as for the federal election.

How and when do we receive the certified state and multi-county district candidates, statewide ballot issues for ballot preparation, and how long do we have to get ballot information in to the printer?

A. The SOS will send them to you electronically and by mail about one week after candidate filing closes. If you get them the last day possible from the SOS, you will have approximately one week to get the information to the ballot printer.

What are our options for ballot printers?

A. You can use ES&S, the vendor for election equipment in Montana, or another printer, but be sure that your printer knows and follows the applicable requirements set by the equipment vendor.

The equipment vendor may offer training to private ballot printing companies and the training will make sure that the printer knows the stringent requirements for a ballot to be used in ES&S equipment. **A local printer must be able to print to the specifications mandated by the equipment vendor.**

Are election administrators required to publish a notice regarding the opening of filing period for offices in local newspapers?

A. There is no statutory requirement to publish a notice of opening of candidate filing. It may be administratively beneficial to the election office to publish such a notice, and nothing prevents you from publishing one.

Polling Places

What happens if a voter comes to the polling place and has changed his or her name or precinct, but has not yet notified the elections office?

A. They can vote one last time in their old precinct using their old name and/or precinct, but should fill out a voter registration application with updated information for subsequent elections.

When do polling places have to be open?

A. In general, polling places must be open from 7 a.m. to 8 p.m.

A polling place with less than 400 registered electors must be open at least from noon to 8 p.m. or until all registered electors have voted (they can still be open from 7 a.m. to 8 p.m. at the election administrator's discretion).

If elections are combined with a school election, the polling place has to be open at the times set for school elections.

Signature gatherers have requested to be present inside the polling place. You have limited space and 4 different groups who want to gather signatures. What should you do?

You must ensure that the polling place is not obstructed. If it is impossible to fit all of them in the polling place, allow them to be as near as possible, without obstructing the polling place.

It is advisable to make these arrangements ahead of election day so that there is no disruption of voting.

A candidate comes in to the election office during the 30-day late registration and absentee voting period wearing a political button. Must the candidate be asked to leave the premises?

Montana law is clear that electioneering restrictions are only "on election day".

If you plan to try to enforce the 100 foot election-day electioneering statute during the 30-day late registration and absentee voting period, you should get your county attorney's approval.

Assistance to Individuals with Disabilities

Can I have the absentee ballot judges or officials deliver a ballot outside the county to an elector with an illness or health emergency?

A. No. By law, the elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence **within the county**.

Do individuals with disabilities have the same rights to secrecy and privacy as other electors?

A. Yes, those rights are guaranteed under the Help America Vote Act.

AutoMARKS

Do I need to have an AutoMARK available for voting at each polling place?

A. Yes, according to HAVA, there must be an accessible voting system at each polling place.

What do I do if the AutoMARK does not work?

A. Be sure the stub has been removed prior to insertion of the ballot.

Try turning it off and on.

If this does not work, contact a technician or refer to the AutoMARK Troubleshooting Guide included in the Election Judge Handbook.

How do I maintain voter secrecy on an AutoMARK?

A. An important step is to ensure that the election judge does not view the voted ballot.

This can be done through the use of secrecy sleeves.

Use of a privacy shield and making sure the machine screen is viewable by only the voter are other ways to ensure privacy.

Do individuals with disabilities have to vote on AutoMARKs? Can people without disabilities vote on them?

A. Individuals with disabilities do not have to vote on AutoMARKs, but they have to be given the option to vote on them.

People without disabilities can vote on them if they choose to do so.

A voter with a disability has given power of attorney to someone. Is the power of attorney sufficient to allow that person to apply for an absentee ballot, or vote a ballot for the person with the disability?

No – the person with the power of attorney would have to be appointed as an agent for voting purposes by the individual with a disability using the prescribed form.

Voting Systems and Testing

What are the requirements for testing?

A. There are several testing requirements:

All equipment should go through acceptance testing. See the [Uniform Ballot and Voting System Procedures Guide](#) for detailed information about voting system testing.

No more than 30 days prior to an election in which a voting system is used, the election administrator shall publicly test and certify that the system is performing properly.

Notice of the testing must be given as provided by law.

A random test must be conducted by a county election administrator or designee of 5% of voting systems, a minimum of one per county, on election day, to validate the accuracy of voted paper ballots with the voting system results.

Absentee Voting

When do we send confirmation notices to people on the annual absentee list?

A. These are sent once every even year, in January. The notices should be sent by forwardable mail and must be sent by January 31 of each even year.

Are absentee ballots forwardable?

A. No!

Can people fax in their absentee applications?

A. Yes.

Can an absentee voter return a ballot to any polling place in the county?

A. Yes (except late registrants).

Can an inactive voter be reactivated by submittal of a request for absentee ballot form?

A. Yes. The request for absentee ballot will reactive a voter.

Identification and Provisional Voting

What is the difference between a provisionally registered elector and one who votes a provisional ballot?

A. A provisionally registered elector is one whose identity and/or eligibility to vote is in question, generally because the person did not provide a verified DLN or partial SSN at the time of voter registration.

A voter may vote a provisional ballot if the elector is provisionally registered, or if the elector attempts to vote and his or her eligibility or identity is in question (such as for ID, register shows already voted absentee, name not in register, etc.).

Can electors be turned away from the polls without being given an opportunity to vote a provisional ballot?

A. No. Electors must be given the opportunity to cast a provisional ballot.

Is there a form at the polling place an elector can use for ID?

A. Yes, the Polling Place Elector ID Form.

This is the form given to electors who do not have ID. They fill it out, and the election judge at the polls contacts the elections office. If the DLN and/or partial SSN provided by the elector is verified by the county election office over the phone, the form is marked “verified.”

The elector votes a regular ballot and retains the form.

Counting and Canvassing

When does the count begin?

A. The count of absentee ballots or other ballots can begin at any time after the opening of the polls subject to sequestering requirements.

In regard to counting ballots, any official vote count must be public and continue without adjournment until completed and the result is publicly declared.

When does canvassing begin?

A. Canvassing begins within 14 days after each election; the date was moved from 7 days after the election due to post-election audit requirements

After the official canvass, you discover a mistake that was made on the canvass. Can you change the official canvass to correct the mistake?

The Attorney General has ruled that once the canvass is complete and official, minor technical mistakes cannot be corrected. The canvass must stand as it was certified. You should NEVER change your copy of the canvass once it is certified to the SOS. The SOS has the official copy archived and the county canvass should not reflect different totals than the SOS copy.

A candidate whose name appears on the ballot has passed away after absentee ballots were mailed out. Some voters who had not yet returned their ballot to the election office came in to get replacement ballots, but some did not. How do you instruct election judges to count any votes cast for the deceased candidate?

Any votes cast for the deceased candidate should be counted for the deceased candidate.

Ballot Issues

How long do we have to process statewide ballot issue petitions once we receive them?

A. They need to be processed within 4 weeks of when you receive them.

Can signature gatherers be under 18 or do they have to be registered voters?

A. Signature gatherers can be under 18 and do not have to be registered voters, just residents of the state

We have a page of signatures that only put the town as an address, no residence, no mailing, no phone. Do we reject these?

A. You can reject them if they do not include the signer's address or the signer's phone number. One or the other must be on the petition.

Can counties accept faxed petitions in any instances?

A. Counties can accept faxed petitions as long as they are received by the deadline and followed up with the originals within 7 days.

Mail Ballot Elections

Are mail ballot elections ever required?

A. No.

What must be submitted to the SOS 60 days before any mail ballot election?

A. A mail ballot plan and timetable, along with sample voting instructions.

When does my mail ballot plan need to be submitted to the SOS?

A. The SOS cannot approve a mail ballot plan unless it is received at least 60 days before an election.

Do ballots automatically go out to inactive electors?

A. No. They must reactivate by updating their voter registration information before they can receive a ballot.

Do we use the annual absentee ballot list in a mail ballot election?

A. No, since all eligible active electors are already sent a ballot in mail ballot elections.

A ballot in a mail ballot election is returned to your office by the Post Office with a new address noted. What do you do with the ballot?

If a mail ballot is returned as undeliverable, the election administrator shall investigate the reason for the return and mail a forwardable confirmation notice. The law specifies that the mail ballot is not forwardable, and there is nothing in law or rule that allows the ballot to be sent forwardable after it is returned undeliverable. Ballots returned by the post office as undeliverable should be filed and shall be securely retained.

Resources for Additional Questions

- Title 13 laws are online at: data.opi.state.mt.us/bills/mca_toc/13.htm.
- Rules are at mtrules.org.

- Check the election calendar often at sos.mt.gov/Elections
- Contact your city or county attorney for local election issues, especially those in Title 7 of MCA.
- Contact the SOS office at soselections@mt.gov for additional information.
- Visit the SOS website at sos.mt.gov.
- Visit the “For Election Officials” page at <http://sos.mt.gov/Elections/Officials/index.asp>.

Chapter 7

Montana Votes (MT Votes)

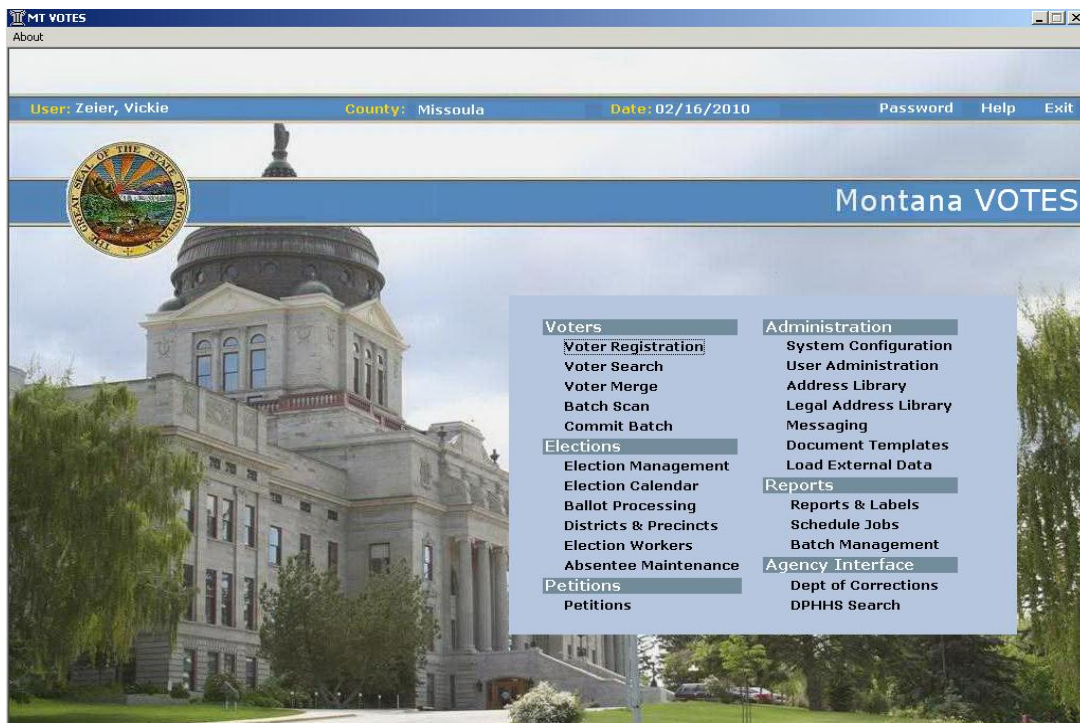
- ✓ Overview of MT Votes
- ✓ MT Votes process training

MT Votes Overview

Montana Votes is the Montana statewide voter registration system, mandated by the Help America Vote Act of 2002.

- Montana Votes is a real-time database that allows counties to register voters and manage elections. The database is maintained by the Secretary of State. County election administrators register voters, update voter records and cancel voters in the system. A MT Votes Test environment is available for working in MT Votes without affecting the live database.
- The Secretary of State provides a help desk for assistance with managing elections in Montana Votes.
- Only county election administrators and their staff are allowed access to MT Votes, and access can only be authorized by the county election administrator. Authorization requests are sent to the MT Votes Help Desk for processing, and staff must complete MT Votes Basic Training before access is granted.
- An advisory council made up of election administrators from across the state manages changes and enhancements to MT Votes.

MT Votes – Main Screen



MT Votes Training

There is a training presentation for almost every process in MT Votes. Most are posted on the Secretary of State's website on the "For Election Officials" webpage.

Before access to MT Votes is granted, the individual must complete MT Votes Basic Training, Parts 1, 2, and 3. This training is on the Secretary of State website at <http://sos.mt.gov/Elections/Officials/index.asp>.

The Secretary of State provides MT Votes training at each certification workshop, and as requested by election administrators at other conferences they may be planning.

The MT Votes Help Desk is available during business hours for assistance and troubleshooting with any MT Votes-related issue. If you experience any problems with MT Votes, the problem must be reported to the Help Desk so that they can document and troubleshoot the issue, and if necessary, contact the vendor.

Appendix

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- ✓ Sample Forms – see <http://sos.mt.gov/Elections/Officials/Forms/index.asp>
 - ✓ Sample Notices – see <http://sos.mt.gov/Elections/Officials/Forms/index.asp>
 - ✓ Election Management Checklists
 - ✓ Polling Place Relocation Procedures Checklist
 - ✓ Polling Place Activity Guidelines for Election Administrators
 - ✓ Polling Place Supplies Checklist
 - ✓ Post Election Audit Reconciliation Form

Election Management Checklists

The following sample checklists are not meant to cover every duty and responsibility – counties may use this template to compile a comprehensive checklist for use for each election.

Municipal Election Checklist

Date completed	
	Set up election in Montana Votes (use uniform naming format)
	Send address confirmation notice to annual absentee voters
	Set up candidates/issues in MT Votes
	Advertise notice of filing deadline-before end of April
	Determine if primary election needs to be held & notify governing body (by first week in July)
	Prepare candidate register (if used)
	Send certification to COPP re: local candidates who filed C-1-A with your office
	Advertise close of VR and option for late registration (3X last 3 weeks preceding election)
	Advertise absentee ballots available (30 days before election)
	Adv voting system diagram, ballot arrangement & instructions on how to vote (not less than 2 or more than 10 days before election)
	ORDER BALLOTS after certification from COPP (by middle of July (for primary), by middle of September (for general)
	Prepare absentee vote packets
	Prepare tally books, register, poll books, abstracts
	Advertise notice of polling place locations (week before election)
	PRIMARY ELECTION - first Tuesday after the 2nd Monday in September every odd year, if needed
	GENERAL ELECTION - first Tuesday after the first Monday in November every odd year
	Board of Canvassers meets, conducts official canvass of results (within 3-7 days of election)
	Send letter to COPP re: candidates who were elected
	Prepare and Distribute Certificates of Election

Every Election

	Set up election in MT Votes
	Set up election information & ballot information in ES&S Portal
	Notify ballot printer that templates are ready to be laid out
	Verify ballot content & layout
	Send AutoMARK data cards and other equipment media into ES&S for programming
	Test data cards as soon as received back
	Advertise and conduct public test of AutoMARK, and any other voting equipment in use

Please note: this list is a tool for election-related tasks, it does not necessarily include all tasks.

Please refer to the Municipal Election Calendar published by the SOS office for a list of statutory deadlines.

The following sample checklist is not meant to cover every duty and responsibility – counties may use this template to compile a comprehensive checklist for use for each election.

Statewide Federal Election Checklist

Date completed	
	Set up election in Montana Votes (use uniform naming format)
	Send address confirmation notice to annual absentee voters
	Set up candidates/issues in MT Votes
	Advertise notice of filing deadline (<i>optional</i>)
	Prepare candidate filing information, including filing fees
	Prepare candidate register (if used)
	Send Notice to Political Parties requesting list of potential election judges
	Send certification to COPP re: local candidates who filed C-1-A with your office
	Conduct election judge training
	Advertise close of VR and option for late registration (3X last 3 weeks preceding election)
	Advertise absentee ballots available- <i>optional</i> (30 days before election)
	Adv voting sys diagram, ballot arrangement & instructions on how to vote (not less than 2 more than 10 days before election)
	ORDER BALLOTS after certification from SOS
	Send ballots to UOCAVA voters (45 days)
	Prepare absentee voter packets
	Prepare tally books, register*, poll books, abstracts (register cannot be printed until Friday before election)
	Conduct public test of AutoMARKS and tabulating equipment after giving public notice
	Advertise notice of polling place locations (week before election)
	PRIMARY ELECTION - first Tuesday after the first Monday in June every even year
	GENERAL ELECTION - first Tuesday after the first Monday in November every even year
	Conduct post election audit of tabulating equipment
	Board of Canvassers meets, conducts official canvass of results (within 3-14 days of election)
	Send official canvass to SOS
	Send letter to COPP re: candidates who were elected
	Prepare and Distribute Certificates of Election

Every Election

	Set up election in MTVotes
	Set up election information & ballot information in ES&S Portal
	Notify ballot printer that templates are ready to be laid out
	Verify ballot content and layout
	Send AutoMARK data cards and other equipment media into ES&S for programming
	Test data cards as soon as received back
	Advertise and conduct public test of AutoMARK, and any other voting equipment in use

Please note: this list is a tool for election-related tasks, it does not necessarily include all tasks. Please refer to the Election Calendar published by the SOS office for a list of statutory deadlines.

Polling Place Relocation Procedures Checklist

FOR USE BY CHIEF ELECTION JUDGE OR POLLING PLACE MANAGER AT POLLING PLACE IN CASE OF EMERGENCY

1. Is there an immediate threat to the safety of voters and election judges?

If so, evacuate voters and judges, then call 911 immediately.

2. If there is not an immediate safety threat:

- ☐ Contact the County Clerk and Recorder at (insert phone number): _____
- ☐ Evacuate voters in a calm manner. Let voters who have a ballot finish voting, unless threat is imminent
- ☐ Seal and secure ballots for transport
- ☐ Before you turn off voting machines, note the number of ballots on each machine so that the number can be verified at the new location
- ☐ Secure voting equipment and prepare for transport
- ☐ Transport equipment and supplies to your designated relocation area using bi-partisan teams of judges
- ☐ Post Polling Place Relocation Signs where they are easily visible at evacuated polling place
- ☐ Set up machines, ballots and other supplies at the new polling place
- ☐ Verify that seals on equipment and ballot boxes are intact
- ☐ After voting machines are turned on, verify that the number of ballots on each machine is the same. New "zero" tapes are not required
- ☐ Resume voting as quickly as possible
- ☐ Contact the County Election Administrator when relocation is complete

Polling Place Activity Guidelines for Election Administrators

THE FOLLOWING INFORMATION IS MEANT AS A GUIDE FOR ELECTION ADMINISTRATORS AND ELECTION JUDGES REGARDING POLLING PLACE ACTIVITIES ON ELECTION DAY

Election Day is for the voter. As a general rule, no person can obstruct the polling place or engage in solicitation of a voter in any manner that interferes with the election process or obstructs the access of voters to or from the polling place. Most unlawful polling place conduct is a misdemeanor.

In the initiative process, “**orderly** gathering of initiative petition signatures **at** the polling place **that does not interfere** with the election process **or obstruct voter access to the polls** may not be prohibited.” 39 A.G. Op. 62 (1982) (emphasis added). Since this is an issue of free speech it is our opinion that the opponents of signature gathering have the same rights and responsibilities as signature gatherers.

Therefore, in addition to the general rules against interfering with or obstructing the election process, certain activities may take place around polling places:

In the polling place (room where voting takes place): voters, election judges, and poll watchers.

At the polling place (building where voting takes place): petition signature gatherers and opponents.

Outside the building (entrance to the building): exit pollsters.

At least 100 feet from any entrance to the building: individuals advocating the success or defeat of a candidate or issue on the ballot that day.

What you should do:

Election administrators should take a look at each polling place and make some decisions about how to deal with non-electors at the polling place on Election Day. Set guidelines that are **reasonable, fairly applied, and documented before Election Day**.

1. Evaluate the polling place **beforehand** to determine the nearest open space where petition signature gatherers and opponents can gather without obstructing voters or interfering with the election process. The placement of the signature gatherers and opponents **MUST** allow open passage. This may be a hallway or outside of a building.
2. Request that poll watchers/observers or signature gatherers approach the voter **only after s/he has voted**.
3. Alert law enforcement that assistance may be needed on Election Day.
4. The Chief Election Judge or his/her designee must control the behavior of the non-electors at the polling place to prevent obstructions. They should be instructed to call the election administrator at the first sign of trouble and you should call law enforcement if necessary. Any non-election at the polling place should be given instruction that conduct must be **orderly, and that it cannot interfere with the election process or obstruct access to the polls**.
6. Review the “Poll Watchers and Election Observers Guide” included in the Election Judge Handbook.

Polling Place Supplies Checklist

- | | |
|---|---|
| <input type="checkbox"/> Absentee Elector Lists | <input type="checkbox"/> List of Registered Electors at the Polling Place |
| <input type="checkbox"/> Absentee Secrecy and Affirmation Envelopes | <input type="checkbox"/> Maps -- Precinct Maps, Road Maps, etc. |
| <input type="checkbox"/> Annual Absentee Cards | <input type="checkbox"/> Model 100 Reconciliation Forms |
| <input type="checkbox"/> AutoMARK Tally Sheets (for Tracking # of Electors) | <input type="checkbox"/> Official Seals (for Voting Material Containers) |
| <input type="checkbox"/> Ballots | <input type="checkbox"/> Poll Location List |
| <input type="checkbox"/> Challenge Forms | <input type="checkbox"/> Pollbook |
| <input type="checkbox"/> Checklist for Opening of Polls | <input type="checkbox"/> Pollbook Work Sheets (for Reconciling Ballots) |
| <input type="checkbox"/> Checklist for Closing Polls | <input type="checkbox"/> Polling Place Elector ID Forms (Required) |
| <input type="checkbox"/> Curbside Voting Materials | <input type="checkbox"/> Precinct Register |
| <input type="checkbox"/> Election Judge Handbooks | <input type="checkbox"/> Provisional Ballot Envelopes |
| <input type="checkbox"/> Election Judge Time Sheets | <input type="checkbox"/> Registration Cards |
| <input type="checkbox"/> Emergency Contact Lists | <input type="checkbox"/> Sample Ballots |
| <input type="checkbox"/> Envelopes for Close of Polls | <input type="checkbox"/> Security Seals and Seal Log |
| <input type="checkbox"/> Envelopes for Hand-Count Ballots (if any) | <input type="checkbox"/> Signs for Electors with Disabilities |
| <input type="checkbox"/> Envelopes for Spoiled and Unvoted Ballots | <input type="checkbox"/> Sticky Notes |
| <input type="checkbox"/> Erroneous Omission Forms | <input type="checkbox"/> Tissues |
| <input type="checkbox"/> List of All Registered Electors | <input type="checkbox"/> Title 13 Election Law Books |
| <input type="checkbox"/> List of Challenges | <input type="checkbox"/> Toilet Paper |
| <input type="checkbox"/> List of Election Judges | <input type="checkbox"/> Voter Information Pamphlets |
| <input type="checkbox"/> List of Model 100 Ballot Tabulator Messages | <input type="checkbox"/> Voting Instructions Posters |
| <input type="checkbox"/> 100-Foot String to Avoid Electioneering | <input type="checkbox"/> Letter Openers |
| <input type="checkbox"/> AutoMARK Secrecy Sleeves | <input type="checkbox"/> Light Bulbs |
| <input type="checkbox"/> Badges and Name Tags | <input type="checkbox"/> Magnifying Glass and Magnifying Sheet |
| <input type="checkbox"/> Black Medium-Point Pens | <input type="checkbox"/> Numbered Security Ties |
| <input type="checkbox"/> Calculators | <input type="checkbox"/> "Official Ballot" Stamps |
| <input type="checkbox"/> Candy | <input type="checkbox"/> Ovals for M-100 Ballots |
| <input type="checkbox"/> Cell Phones/Phone Cards/Quarters for Phone Booths | <input type="checkbox"/> Paper Clips |
| <input type="checkbox"/> Clean Cotton Cloth | <input type="checkbox"/> Pencil Sharpeners |
| <input type="checkbox"/> Clipboards | <input type="checkbox"/> Pens and Pencils |
| <input type="checkbox"/> Coffee | <input type="checkbox"/> Permanent Marker |
| <input type="checkbox"/> Duct Tape | <input type="checkbox"/> Plastic and Wire Cutters |
| <input type="checkbox"/> Envelope Dampeners | <input type="checkbox"/> Plastic Electrical Cord Adapters |
| <input type="checkbox"/> Extension Cord | <input type="checkbox"/> Poll Booths |
| <input type="checkbox"/> Extra AutoMARK Ink Cartridge | <input type="checkbox"/> Poster Tack |
| <input type="checkbox"/> Eye Drops | <input type="checkbox"/> Pressurized Can of Air |
| <input type="checkbox"/> Feather Duster | <input type="checkbox"/> Reading Glasses |
| <input type="checkbox"/> Finger Adhesive | <input type="checkbox"/> Red Felt-Tip Pen |
| <input type="checkbox"/> First Aid Kit | <input type="checkbox"/> Rubber Bands |
| <input type="checkbox"/> Flashlight and Extra Batteries | <input type="checkbox"/> Rubber Thumbs |
| <input type="checkbox"/> Food for Election Judges | <input type="checkbox"/> Rulers |
| <input type="checkbox"/> Games | <input type="checkbox"/> Scissors |
| <input type="checkbox"/> Hand Sanitizer and Lotion | <input type="checkbox"/> Scotch Tape |
| <input type="checkbox"/> Highlighters | <input type="checkbox"/> Signature Line Rectangle (for Blind/Low-Vision) |
| <input type="checkbox"/> "I Voted" Stickers | <input type="checkbox"/> Slim Jim for Vehicle Door Locks |
| <input type="checkbox"/> Ink Pads | <input type="checkbox"/> Spindles |
| <input type="checkbox"/> Isopropyl Rubbing Alcohol Cleaning Pads | <input type="checkbox"/> Staple Remover |
| <input type="checkbox"/> Keys | <input type="checkbox"/> Thumb Tacks |
| <input type="checkbox"/> Lanyards | <input type="checkbox"/> Tool Kits |
| <input type="checkbox"/> Large Pens with Rubber Grips | <input type="checkbox"/> Voting Systems |

Post Election Audit – Reconciliation and Report Form



POST ELECTION AUDIT RECONCILIATION FORM AND REPORT TO SECRETARY OF STATE - CANDIDATE EXAMPLE

Submit completed and signed form to the Secretary of State no later than the deadline for submitting the official county canvass.

Election Date	
County Name	
Precinct Name/Number	
Contest	

Type of Tabulator Used in the Precinct	
Tabulator Seal No.	
Ballot Envelope Seal # (if # is used)	

Total Ballots Counted by Tabulator as Shown on Tape*

Total Ballots Counted by Hand*

*Note: The County Audit Committee may not see the machine totals before the hand count

Column A: Candidate Names/ Ballot Issue #/ Type of Votes	Column B: Hand Count Audit Tally	Column C: Machine Tally* (Filled in by Election Administrator after Hand Count Tally)	Column E: Difference (Hand Tally Minus Machine Count Tally)	Column F: Number of Explainable Differences (Administrative or Election Official Error)	Column G: Explainable Difference Reasons†	Column H: Unexplained Difference* (Column F Subtracted from Column E) *Hand Count is Over/ Under by #	Column I: Other Comments/ Explanations†
CANDIDATE A	2000	2000	0	0	N/A	0	
CANDIDATE B	1000	1000	0	0	N/A	0	
CANDIDATE C	500	495	+5	5	N/A	0	
CANDIDATE D	400	405	-5	3	3 ballots were double counted by the machine due to administrative error.	Hand Count is Under By 2	
CANDIDATE E	250	250	0	0	N/A	0	
CANDIDATE F	50	50	0	0	N/A	0	
CANDIDATE G	10	10	0	0	N/A	0	
Overvotes	5	3	+2	0	No reason for or for discrepancies; therefore the explainable exception number is zero.	Hand Count is Over By 2	
Undervotes	3	3	0	0	N/A	0	
Write-in Votes	0	0	0	0	N/A	0	
Other Votes -- Specify:	0	0	0	0	N/A	0	
Total Votes	4218	4216	12	8		4	

†Where possible, please provide information about the Unexplained Difference between the machine count and the hand count on an attached sheet.

Analysis:

Is the Unexplained Difference total in Column H at least 5 votes? If so, continue below. If not, stop here.	No. The total Unexplained Difference is not at least 5 votes. The audit of this precinct for this contest is complete.
What is the Percentage (%) Difference Between Hand Counted Ballots and the Unexplained Difference (the Column H Total Votes Divided by the Column B Total Votes)?	Since the Unexplained Difference total is not at least 5 votes, it is not necessary to calculate the percentage difference.
Is the Unexplained Difference total at least 5 votes and is the Unexplained Difference greater than 0.5%? If not, then the total is Acceptable. If the percentage is greater than .5%, then the Unexplained Difference is Not Acceptable and county must audit three additional precincts and examine the machine(s).	The Unexplained Difference percentage is not calculated since the total is not at least 5 votes. The audit of this precinct for this contest is complete.

** The random-sample audit may not include a ballot that a vote-counting machine was unable to process and that was not resolved pursuant to 13-15-206 because the ballot: (a) appeared to have at least one overvote; (b) appeared to be blank; (c) was in a condition that prevented its processing by a vote-counting machine; or (d) contained a mark, error, or omission that prevented its processing by a vote-counting machine.

†Note: The purpose of the post-election audit is to determine whether the tabulating equipment has accurately counted votes. Because the purpose of the post election audit is to determine if the machine counted the votes correctly, the audit committee should be instructed to count votes consistent with the way an optical scan machine would count votes.

County Audit Committee Signatures:	Election Administrator Signature: